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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,348	12/03/2003	Marion Calmer	USPA0035	4001

33512 7590 04/06/2007

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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 04/06/2007

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10.726.348

EXAMINER
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ART UNIT	PAPER
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20070330

DATE MAILED:

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**Commissioner for Patents**

The reply filed on 24 August 2006 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): the added independent claims contain subject matter not supported by the original disclosure. The quantity  $\alpha$ , newly claimed and defined as the ear separation vertical velocity divided by the linear horizontal velocity, has not been discussed in the original Specification and therefore appears to be New Matter. The value of  $\alpha$  being greater than 3.05 is likewise not supported by the original application and is considered New Matter. See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

**Thomas B. Will**  
**Supervisory Patent Examiner**  
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